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13 HOME DEPOT U.S.A., INC.

14 HOME DEPOT U.S.A., INC.

15 Plaintiff,

16 v.

17 AU OPTRONICS CORPORATION;  
18 AU OPTRONICS CORPORATION AMERICA;

19 Defendants.

20 Case No. 3:13-CV-06001  
21 MDL 1827

22 **PLAINTIFF HOME DEPOT U.S.A.,  
23 INC.’S REQUEST FOR JUDICIAL  
24 NOTICE IN OPPOSITION TO  
25 DEFENDANTS’ MOTION TO  
26 DISMISS COMPLAINT**

27 Date: June 6, 2014  
28 Time: 9:00 A.M.  
Dept: Courtroom 10, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

22 **REQUEST FOR JUDICIAL NOTICE**

23 TO ALL PARTIES AND ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that Plaintiff Home Depot U.S.A., Inc. (“Home Depot” or  
25 “Plaintiff”) respectfully requests that the Court take judicial notice of the documents annexed as  
26 Exhibits 1 through 8 to the Declaration of G. Patrick Watson, pursuant to Federal Rule of  
27 Evidence 201. Exhibits 1 through 8 are noticed in connection with Home Depot’s opposition to

28 MDL 1827

Case No. 3:13-CV-06001

1 AU Optronics Corporation and AU Optronics Corporation America (collectively, "Defendants")'s  
2 Motion to Dismiss.

3 Fed. R. Evid. 201(b)(2) permits judicial notice of facts that are "not subject to reasonable  
4 dispute" which includes facts "generally known within the trial court's territorial jurisdiction" or  
5 facts which can be "accurately and readily determined[.]". Judicial notice is appropriate "at any  
6 stage of the proceeding" including in conjunction with a motion to dismiss. Fed. R. Evid. 201(d);  
7 *see Lee v. City of Los Angeles*, 250 F.3d 668, 688–89 (9th Cir. 2001).

8 Here, Exhibits 1 through 7 to the Declaration of G. Patrick Watson are class action  
9 complaints which are well-known within this jurisdiction and whose accuracy cannot be  
10 reasonable questioned. *See Fed R. Evid. 201(b)*. Exhibit 8 to the Declaration is a printout from  
11 the California Secretary of State's website and its accuracy can be readily verified by accessing  
12 <http://kepler.sos.ca.gov>. *See Austerio v. Aurora Loan Servicing, Inc.*, No. C-11-00490 JCS, 2011  
13 WL 1585530 (N.D. Cal. April 27, 2011) (taking judicial notice of a printout from the California  
14 Secretary of State website for a business entity search); *see also Piazza v. EMPI, Inc.*, 1:07-CV-  
15 00954-OWWGSA, 2008 WL 590494 (E.D. Cal. Feb. 29, 2008) (same).

16 For the foregoing reasons, Home Depot respectfully requests that this Court grant its  
17 request for judicial notice and consider those documents when deciding Defendants' Motion to  
18 Dismiss.

19 Dated: May 6, 2014.

BRYAN CAVE LLP

20 By: G. Patrick Watson

21 G. Patrick Watson

22 C. Scott Greene

23 Lindsay J. Sklar

24 Attorneys for Plaintiff

25 HOME DEPOT U.S.A., INC.

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